

IAP 13 N/C given Lancaster

Kane/HBC

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAJAMESDAVIDWHITMAN(Enter above the full name of
plaintiff in this action)

V.

BUCKWALTERCONSTRUCTIONINC.(Enter above the full name of
defendant(s) in this action)COMPLAINT1. The plaintiff JAMES D. WHITMAN citizen of the County of LEBANONState of Pennsylvania, residing at 1211 EAST LEHMAN ST. LEBANON, PA, 17046wishes to file a complaint under TITLE VII OF THE CIVIL RIGHTS ACT
(give Title No, etc.) OR A.D.A.2. The defendant(s) is or are BUCKWALTER CONSTRUCTION INC.3. STATEMENT OF CLAIM: (State below the facts of your case. If you have paper exhibits that
give further information of your case, attach them to this completed form. Use as much space
as you need. Attach extra sheet(s) if necessary. I WAS UNJUSTLY DISCRIMINATED AGAINST BY BUCKWALTER CONSTRUCTION INC.I WAS HIRED BY SAID COMP. IN SEPT. 1986 AS A CARPENTER AT REPORTED IN EVIDENCE AT 10. PER 402 I WAS HIRED IN PAID TOCIVIL CASE NO. 1:01-CV-196
(To be supplied by
Clerk of the District
Court)

J. Kane

FILED
HARRISBURG
JAN 30 2001
MARY E. D'ANDREA, CLERK
Per [Signature]
DEPUTY CLERK

3.

(Continued) ~~ERENT~~ TIMES UP AND INTO 1990, I WAS MADE AND WAS PAID TO BE A FOREMAN FOR THE CONIP. SOME TIME AROUND 1989, I RAN AT LEAST 4 JOBS FOR THEM AND RAN OTHER JOBS ON A PARTIAL BASES AS A FILL IN FOREMAN ON SEVERAL OCCASIONS. IT WAS ONLY AFTER I HAD AN ACUTE HEART ATTACK ON JULY 12 1992 AND HAD A TRIPLE BYPASS IN HARRISBURG GENERAL ON JULY 15 1992, THAT I WAS PERCEIVED IN A DIFFERENT LIGHT. I WAS RELEASED TO RETURN TO WORK OCT. 92 WITHOUT RESTRICTIONS. THE CONIP TRIED TO CHANGE INS. CARRIERS ON SEVERAL OCCASIONS BUT COULD NOT. I LOST ALL LBS. IN THE END 92 TO 93. IT WAS ONLY AFTER THIS THAT I BECAME EXPENDABLE.

4. WHEREFORE, plaintiff prays that: THE COURT AT THE FINAL
(State what you wish the Court to do)

CONCLUSION OF THIS MATTER CAN MAKE THE PLAINTIFF WHOLE AGAIN IN THE MATTER OF ALL LOST WAGES AND INTEREST AND ALL OTHER FINANCIAL LOSS THAT ARE DIRECT AND INDIRECTLY ASSOCIATED TO THIS DISCRIMINATORY PRACTICE BY DEFENDENT. PLUS ALL THE INTEREST IN KIND THAT COULD BE EARNED BY THOSE LOSSES. ANY AND ALL FINANCIAL LOSSES THAT MIGHT BE INCURRED BY FUTURE LOSSES AS OF NOW UNFORSEEN WITH INTEREST. AND ~~AND~~ PUNATIVE DAMAGES FOR MENTAL ANGUISH AND THE STRAIN AND IMPACT ON MY FAMILY LIFE FOR THE ENTIRE 9 YRS THAT HAVE PASSED AND THE FUTURE YRS OF THIS EVENT IN MY LIFE.

James D. Whitman
(Signature of plaintiff)

1211 East Lehman St.
Street Address

Lehman Pa. 17046
City,

Zip Code

717-273-3231
Telephone Number

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: James D Whitman
1211 E LEHMAN ST
LEBANON, PA 17046

From: E.E.O.C
Philadelphia District Office
21 S. Fifth Street Suite 400
Philadelphia, PA 19106-2515

☐ On behalf of a person aggrieved whose identity is *CONFIDENTIAL* (29 C.F.R. 1601.7(a))

Charge Number

17F941626

EEOC Representative

State & Local Unit

Telephone Number

(215) 440-2600

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limit required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☐ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☒ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state) _____

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit based on this charge, please send a copy of your court complaint to this office.

On Behalf of the Commission

Marie M. Tomasso

Marie M. Tomasso, Director

January 22, 2001

(Date)

Enclosure(s)

cc: Executive Officer
BUCKWALTER CONSTRUCTION INC
235 NORTH DUKE ST
P O BOX 1587
LANCASTER, PA 17603

cc: CHRISTINE L. HAUSNER, ESQ. (FOR RESP.)

215 451 5800
440 2600

**FILING SUIT UNDER TITLE VII OF THE CIVIL RIGHTS
ACT OR THE AMERICANS WITH DISABILITIES ACT**

MIR WILKINSON
COOK

PRIVATE SUIT RIGHTS:

This issuance of this Notice of Right to Sue ends EEOC's process with respect to your charge. You may file a lawsuit against the respondent named in your charge within 90 days from the date you receive this Notice. Therefore you should **keep a record of this date**. Once this 90-day period is over, your right to sue is lost. If you intend to consult an attorney, you should do so as soon as possible. Furthermore, in order to avoid any question that you did not act in a timely manner, if you intend to sue on your own behalf, your suit should be filed **well in advance of the expiration of the 90-day period**.

Your lawsuit must be filed in U.S. District Court. Filing this Notice is not sufficient. A court complaint must contain a short statement of the facts of your case which shows that you are entitled to relief. Generally, suits are brought in the state where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office.

You may contact EEOC if you have any questions about your rights, including advice on which U.S. District Court can hear your case, or if you need to inspect and copy information contained in the case file. (Additionally, many EEOC offices can provide you with names of private attorneys who have agreed to consider referrals for private litigation.)

ATTORNEY REPRESENTATION:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, at its discretion, assist you in obtaining a lawyer. If you plan to ask the U.S. District Court to help you obtain a lawyer, you must make this request of the court in the form and manner it requires. Your request to the U.S. District Court should be made well before the end of the 90-day period mentioned above. A request for representation does not relieve you of the obligation to file a lawsuit within this 90-day period.

DESTRUCTION OF FILE:

If you file suit, you or your attorney should forward a copy of your court complaint to the office where you filed your charge within 10 days after you file suit. Your file will be preserved. Generally, EEOC's rules call for your charge file to be destroyed six months from now (one year in the case of charges dismissed for no jurisdiction) unless you have notified us that you have filed suit in U.S. District Court.

IF YOU FILE SUIT, YOU OR YOUR ATTORNEY SHOULD NOTIFY THIS OFFICE WHEN THE LAWSUIT IS RESOLVED.